

10/520081

10 Record PCT/PTC 05 JAN 2005

Atty. Dkt. No. _____

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

FUEL CELL

the specification of which (check one)

_____ is attached hereto.

X was filed on December 16, 2003 as United States Application Number or PCT International Application Number PCT/JP2003/016094 and was amended on _____ (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Atty. Dkt. No. _____

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?
P2002-374452	Japan	25/December/2002	Yes	NO

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

GEORGE C. BECK	Reg. No. <u>38,072</u>
STEPHEN A. BENT	Reg. No. <u>29,768</u>
DAVID A. BLUMENTHAL	Reg. No. <u>26,257</u>
BETH A. BURROUS	Reg. No. <u>35,087</u>
ALAN I. CANTOR	Reg. No. <u>28,163</u>
WILLIAM T. ELLIS	Reg. No. <u>26,874</u>
JOHN J. FELDHAUS	Reg. No. <u>28,822</u>
MICHAEL D. KAMINSKI	Reg. No. <u>32,904</u>
KENNETH E. KROSIN	Reg. No. <u>25,735</u>
JOHNNY A. KUMAR	Reg. No. <u>34,649</u>
JACK LAHR	Reg. No. <u>19,621</u>
GLENN LAW	Reg. No. <u>34,371</u>
PETER G. MACK	Reg. No. <u>26,001</u>
STEPHEN B. MAEBIUS	Reg. No. <u>35,264</u>
BRIAN J. MC NAMARA	Reg. No. <u>32,789</u>
SYBIL MELOY	Reg. No. <u>22,749</u>
RICHARD C. PEET	Reg. No. <u>35,792</u>
GEORGE E. QUILLIN	Reg. No. <u>32,792</u>

Atty. Dkt. No. _____

ANDREW E. RAWLINS
BERNHARD D. SAXE
CHARLES F. SCHILL
RICHARD L. SCHWAAB
MICHELE M. SIMKIN
HAROLD C. WEGNER

Reg. No. 34,702
Reg. No. 28,665
Reg. No. 27,590
Reg. No. 25,479
Reg. No. 34,717
Reg. No. 25,258

and I request that all correspondence be directed to:

RICHARD L. SCHWAAB
FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109

Telephone: (202) 672-5300
Facsimile: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor Yasushi NAKAJIMA
Residence Kawasaki-shi, Kanagawa-ken, Japan JPX
Citizenship Japan
Post Office Address 886-4, Chitose, Takatsu-ku, Kawasaki-shi,
Kanagawa 213-0022 Japan
Inventor's signature Yasushi Nakajima
Date 7/26/2004
Name of second inventor Keiko KUSHIBIKI
Residence Fujisawa-shi, Kanagawa-ken, Japan JPX
Citizenship Japan
Post Office Address 6-22, Honfujisawa 2-chome, Fujisawa-shi,
Kanagawa 251-0875 Japan
Inventor's signature Keiko Kushibiki
Date 7/26/2004

(Handwritten mark: A large 'B' with a small '3' below it)

Name of third inventor Itaru SHIBATA
 Residence Kamakura-shi, Kanagawa-ken, Japan JPX
 Citizenship Japan
 Post Office Address 16-17, Jomyoji 6-chome, Kamakura-shi,
Kanagawa, 248-0003 Japan
 Inventor's signature Itaru Shibata
 Date 7/26/2004

(Handwritten mark: A large 'X')

Name of fourth inventor Fuminori SATOU
 Residence Yokohama-shi, Kanagawa-ken, Japan JPX
 Citizenship Japan
 Post Office Address 10-29-206, Kamariyahigashi 7-chome, Kanazawa-ku,
Yokohama-shi, Kanagawa 236-0042 Japan
 Inventor's signature Fuminori Satou
 Date 7/30/2004

Name of fifth inventor _____
 Residence _____
 Citizenship _____
 Post Office Address _____
 Inventor's signature _____
 Date _____

Name of sixth inventor _____
 Residence _____
 Citizenship _____
 Post Office Address _____
 Inventor's signature _____
 Date _____